



UNITED STATES MARINE CORPS
MARINE CORPS SYSTEMS COMMAND
2200 LESTER STREET
QUANTICO, VIRGINIA 22134-5010

IN REPLY REFER TO:

5720

DON-USMC-2020-004043

11 Mar 20

EMAILED TO: *kburger@patricioaenterprises.com*

Mr. Kenneth Burger
525 Corporate Drive
Suite 201
Stafford VA 22554

SUBJECT: DON-USMC-2020-004043

This letter responds to your Freedom of Information Act request dated January 28, 2020, requesting "a copy of Business Case Memorandum and Independent Government Cost Estimate for N0017810D6133/MU62."

Your request is hereby partially denied. Following a careful review of the documents, portions of the Business Case Memorandum are found to be exempt from disclosure pursuant to FOIA Exemptions 5 U.S.C. § 552(b)(3), 5 U.S.C. § 552(b)(4), 5 U.S.C. § 552(b)(5), and 5 U.S.C. § 552(b)(6) and must be withheld in order to protect the submitter's proprietary and/or financial interests as well as personal privacy.

The Independent Government Cost Estimate has been withheld in its entirety pursuant to FOIA Exemption 5 U.S.C. § 552(b)(5).

Specifically, FOIA Exemption 5 U.S.C. § 552(b)(3) precludes disclosure of an offeror's information if disclosure is prohibited by another statute. It is important to note that the Competition In Contracting Act of 1984 (CICA) and 10 U.S.C. § 2305(g), preclude the release of proposals and information contained within said proposals. In fact, CICA provides that "a proposal in the possession or control of [a military department] may not be made available to any person under section 552 of title 5." Id.

FOIA Exemption 5 U.S.C. § 552(b)(4) exempts from disclosure (i) voluntarily submitted commercial or financial information provided that the submitter does not "customarily" disclose the information to the public and provided that disclosure would be likely to interfere with the continued and full availability of the information to the government, or (ii) compelled information

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likely to cause substantial harm to the competitive position of the person from whom it was obtained and likely to impact on the government's ability to obtain reliable information in the future. See Critical Mass Energy Project v. NRC, 975 F2d 871, 879-80 (D.C. Cir. 1992), cert. denied, 113 S.Ct. 1579 (1993); National Parks & Conservation Ass'n v. Morton, 498 F2d 765, 766 (D.C. Cir. 1974); Canadian Commercial Corp. v. Dept. of Air Force, 514 F.3d 37 (D.C. Cir., 2008).

FOIA Exemption 5 U.S.C. § 552(b)(5) protects information that is deemed attorney/client privileged, attorney work product, prepared in anticipation of litigation, pre-decisional or reflects an opinion.

FOIA Exemption 5 U.S.C. § 552(b)(6) exempts disclosure of information that would constitute a clearly unwarranted invasion of personal privacy.

As of March 11, 2020, two hours of search and review (currently billed at \$48 per hour) have been expended during the processing of your request. Please remit a check or money order, payable to the Treasurer of the United States in the amount of \$96.00 to: COMMANDER, ATTN LAW, MARCORSYSCOM, 2200 LESTER STREET, SUITE 120, QUANTICO VA 22134-5010.

In view of the above, you may consider this to be an adverse determination that may be appealed to the Department of the Navy, Office of the General Counsel (ATTN: FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe it should be granted. We recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal."

You also have the right to seek assistance and/or dispute resolution services from the Marine Corps FOIA Public Liaison, Ms. Sally Hughes, at hqmcfoia@usmc.mil or (703) 614-4008, and/or the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031. You may also contact the Office of Government Information Services for assistance and/or dispute resolution at ogis@nara.gov or 1-877-684-6448. For more information online about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

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Any questions concerning this matter should be directed to Mrs.
Bobbie Cave at (703) 432-3934 or bobbie.cave@usmc.mil.

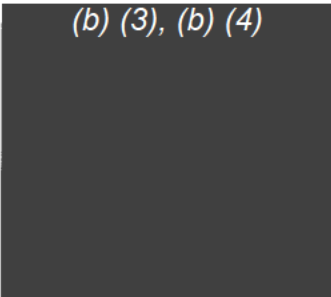
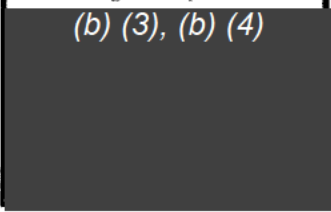
M. E.

M.A. MANNING
Chief of Staff

BUSINESS CLEARANCE MEMORANDUM

Number: 16.161

SECTION I – COVER AND SIGNATURE PAGES

Type of Procurement Action: <input type="checkbox"/> Sealed Bidding <input type="checkbox"/> Full and Open Competition <input type="checkbox"/> Negotiated Under 10 U.S.C. 2304(b)() <input checked="" type="checkbox"/> Negotiated Under 10 U.S.C. 2304(c)(b) <input type="checkbox"/> Negotiated Under 40 U.S.C. 541 Brooks Act <input type="checkbox"/> Negotiated Pursuant to Changes Clause <input type="checkbox"/> Claim Settlement <input type="checkbox"/> Definitization of Letter Contract <input type="checkbox"/> Final Price (Incentive, Redeterminable, or EPA)	Type of Clearance: <input checked="" type="checkbox"/> Pre-Negotiation <input checked="" type="checkbox"/> Post Negotiation <input type="checkbox"/> Letter Contract
Solicitation/Contract Number: N00024-15-R-3508 / N00178-10-D-6133 MU62 Activity: Program Manager, Marine Air Ground Task Force (MAGTF) Command, Control and Communications (MC3) Marine Corps Systems Command (MCSC)	
Contractors: Ten proposals were received: <div style="text-align: center;"><p>(b) (3), (b) (4)</p><p>Kingfisher Systems</p><p>(b) (3), (b) (4)</p></div>	

Program: Product Manager, Marine Corps Networking and SATCOM (PdM NSC)

Description of Supplies/Services: This effort provides a range of functional capabilities for all programs assigned to the PdM NSC portfolio. Functions provided include: logistics, program management, acquisition support to engineering, financial management, equipment fielding support, communications subject matter expertise and training support to the PdM NSC and subordinate multi-disciplinary, integrated product teams (IPT).

N00024-15-R-3508 - Total Evaluated Price*					
Vendor	Base Year	Option Yr 1	Option Yr 2	Option Yr 3	Total
(b) (3), (b) (4)					
(b) (3), (b) (4)					
Kingfisher Systems	(b) (3), (b) (4)				\$15,890,499.00
(b) (3), (b) (4)					
* Prices do not include Travel/ODC dollars.					

Performance Period:

	<u>Start</u>	<u>End</u>
Base Period	2 Mar 2016	1 Mar 2017
Option Year 1	2 Mar 2017	1 Mar 2018
Option Year 2	2 Mar 2018	1 Mar 2019
Option Year 3	2 Mar 2019	1 Mar 2020

Prepared By:

(b) (6)

Name: (b) (6)

Title: Contract Specialist

Phone: (b) (6)

Date: 19 Feb 2016

Source Selection Information – See FAR 2.101 and FAR 3.104

Recommendation:

Request approval of this Business Clearance Memorandum and recommend award of a firm-fixed price contract to Kingfisher Systems, Inc. 3110 Fairview Park Drive, Suite 1250, Falls Church VA 22042, in the amount of \$17,057,761.00 (includes Travel/ODCs). Award will be made based on initial proposals to the solicitation which provides the best value to the Government, technical approach and price considered.

Review:

(b) (6)

Date: 22 FEB 2016

Concur:

(b) (6)

Date: 22 Feb 2016

Approve:

☒ Unconditional Approval ☐ Conditional Approval ☐ Not Approved

(b) (6)

Date: 22 Feb 2016

Conditions (If applicable):

SECTION II – KEY DOCUMENTS/EXHIBITS/ATTACHMENTS

A. Summary of Key Documents.

1. Management and Oversight Process for the Acquisition of Services (MOPAS-2)/Acquisition Strategy; approved by (b) (6) on 5 Oct 2015.
2. Procurement Request: (b) (3), (b) (4) dated 14 Sep 2015 for (b) (3), (b) (4)
3. Funded Procurement Request: (b) (3), (b) (4) dated 12 Feb 2016 for (b) (3), (b) (4)
4. Solicitation N00024-15-R-3508 dated 15 Oct 2015
Amendment 1 dated 05 Nov 2015: N00024-15-R-3508-0001
Amendment 2 dated 19 Nov 2015: N00024-15-R-3508-0002

5. Contractors' Proposals:

<u>Contractor</u>	<u>Proposal Date</u>
(b) (3), (b) (4)	24 Nov 2015
	24 Nov 2015
	24 Nov 2015
	23 Nov 2015
	24 Nov 2015
Kingfisher Systems	24 Nov 2015
(b) (3), (b) (4)	23 Nov 2015
	24 Nov 2015
	24 Nov 2015
	24 Nov 2015

6. Proposal Evaluation Documents

- Technical Evaluation Team (TET) Report dated 23 Feb 2016
(includes Technical Capability and Past Performance)
- Price Evaluation Report dated 19 Feb 2016
- Source Selection Plan, dated 20 Nov 2015.
- Source selection criteria, RFP Section M.
- Source Selection Decision Memorandum (SSDM) 23 Feb 2016.

7. Other Documents

- Industry Question and Answers. Fifty-four questions regarding the solicitation were received and answered via the SeaPort-e portal. (b) (3), (b) (4)
- Independent Government Estimate, dated 15 Sep 2015

B. Attachments

1. Source Selection Plan, dated 20 Nov 2015.

2. Technical Evaluation Review Panel (TERP) Report dated 19 Feb 2016 (Technical Capability and Past Performance).
3. Price Evaluation Report dated 19 Feb 2016.
4. Source Selection Decision Memorandum (SSDM) 23 Feb 2016

SECTION III – PRE-SOLICITATION INFORMATION

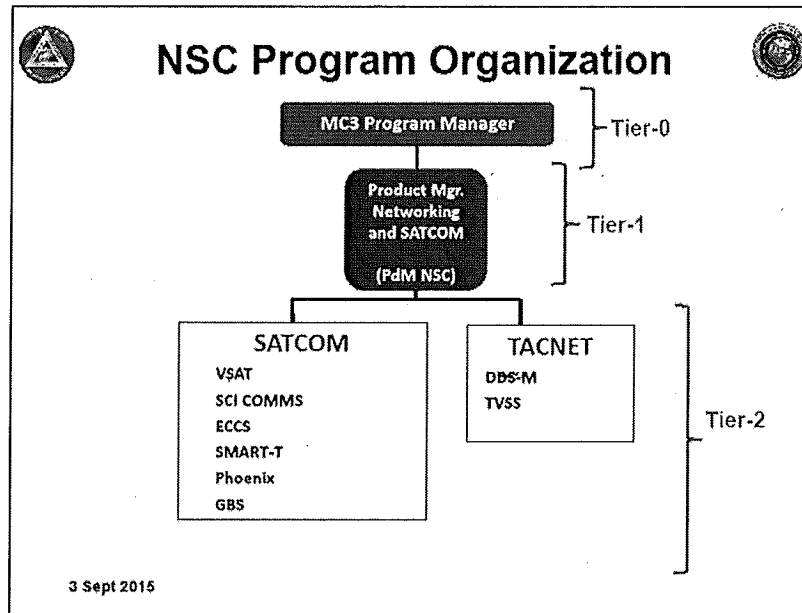
Purpose. The purpose of this business clearance memorandum (BCM) is three-fold. First, the BCM requests Contracting Officer approval of awarding a Firm-Fixed (FFP) price Task Order without discussions under SeaPort-e contract N00178-10-D-6133, MU62 to Kingfisher Systems, Inc., in the amount of \$17,057,761.00. Second, this BCM documents the principal elements of the negotiated agreement for the contract file. Third, the BCM documents: the Government's business judgement exercised throughout the procurement process; the Government's compliance with law, executive orders, regulations and policy; the Government's analysis of Contractor proposals; and the Government's best value decision.

A. Description of Supplies/Services. This acquisition effort provides the Product Manager for Networking and Satellite Communications (SATCOM), aka PdM NSC, a flexible support construct providing a range of functional capabilities for all NSC programs assigned to the PdM NSC portfolio—which are in various phases of the acquisition process to include procurement, upgrade, technical refresh, sustainment or disposal. Functions to be provided to PdM NSC's products include: logistics, program management, acquisition support to engineering, financial management, equipment fielding support, communications subject matter expertise and training support to PdM NSC and its subordinate, multi-disciplinary, integrated product teams (IPT). The Contractor must also coordinate program activities for PdM NSC with its competency leads, product teams, stakeholders, milestone assessment teams, other contractors and supported warfighters.

Contractor support services are provided to MC3's Product Manager for NSC (Tier-1) and its NSC product teams (Tier-2). [See PdM NSC organizational chart below.] The PdM NSC includes two, Tier-2 IPTs:

Tier-2 SATCOM IPT is the Marine Corps' primary lifecycle manager for tactical wideband satellite communications systems. The SATCOM IPT is comprised of the Very Small Aperture Terminal (VSAT) program, the Sensitive Compartmented Information Communications (SCI COMMS) program, the Expeditionary Command and Control Suite (ECCS) program, the Secure Mobile Anti-Jam Reliable Tactical Terminal (SMART-T) program, the Phoenix program and the Global Broadcast System (GBS) program.

Tier-2 TACNET IPT is the Marine Corps' primary lifecycle manager for tactical data networks. The TACNET IPT is comprised of the Data Distribution System-Modular (DDS-M) program and the Tactical Voice Switching System (TVSS) program.



Surge/Contingency Capabilities. This acquisition includes estimated “surge/contingency” requirements in the form of an Option contract line item (CLIN) / sub-line item (SLIN) in each year of performance. To meet mission needs throughout the four-year period of performance, optional CLINs/SLINs are included in the task order providing PdM NSC the ability to increase Contractor program support for new starts and Urgent Universal Needs Statements (UUNS)—within the scope of this PWS and the NTE limits of each surge CLIN/SLIN.

B. Background.

1. Procurement history. SeaPort is the Navy's electronic platform for acquiring support services in 22 functional areas including Engineering, Financial Management, and Program Management. The SeaPort portal provides a standardized, efficient means of soliciting offers from amongst the diverse population of large and small businesses and their approved team members. SeaPort-e has negotiated 1,900+ SeaPort IDIQ multiple-award contracts (MACs) with a number of qualified companies within geographical zones for a group of related services and/or products to be delivered directly to the customer. Agencies such as MCSC are authorized to order directly from schedule contractors via SeaPort. All task orders against the SeaPort MACs are solicited and awarded based on fair opportunity.

This is the recompile of an expiring SeaPort-e task order supporting PdM NSC projects and its program office requirements. The incumbent's contract is N00178-10-D-6133 and task order is MU61. It was awarded 15 Aug 2013 and work began 02 Sep 2013. The task order with Kingfisher Systems, Inc. had one base period of six months and two, one-year options. The second option year expires 1 March 2016. This acquisition will supersede contract N00178-10-D-6133 MU61 effective 02 Mar 2016.

Source Selection Information – See FAR 2.101 and FAR 3.104

The Service Contract Act (SCA) was not applicable to Kingfisher's contract N00178-10-D-6133, task order MU62.


2. Acquisition environment. This acquisition is a competitive, SeaPort-e, Small Business Set-aside in accordance with the Federal Acquisition Regulation, FAR Subpart 19.502, *Setting Aside Acquisitions*, and FAR Subpart 15, *Contracting by Negotiation*. Only small businesses possessing a SeaPort-e IDIQ MAC contract within SeaPort Zone 2 may propose on this acquisition. Additionally, any proposed teammates and/or subcontractors must be approved within the SeaPort construct prior to proposal submittal. The Government intends to award a FFP Task Order, evaluated on a trade-off analysis basis, which is considered to be the overall most advantageous offer to the Government.

C. Independent Government Estimate (IGE).

PdM NSC Prgm Ofc Spt Svcs					
IGCE Summary					
15 Sept 2015					
NSC Core Requirements	Base Period	Option Period 1	Option Period 2	Option Period 3	NSC Core Totals
	2Mar2016 - 1Mar2017	2Mar2017 - 1Mar2018	2Mar2018 - 1Mar2019	2Mar2019 - 1Mar2020	
	12 Months	12 Months	12 Months	12 Months	
(b) (3), (b) (4)					
Total:					
NSC Surge/Contingency Requirements	Base Period	Option Period 1	Option Period 2	Option Period 3	NSC Surge/Contingency Requirements TOTAL
	2Mar2016 - 1Mar2017	2Mar2017 - 1Mar2018	2Mar2018 - 1Mar2019	2Mar2019 - 1Mar2020	
(b) (3), (b) (4)					

(b) (3), (b) (4)

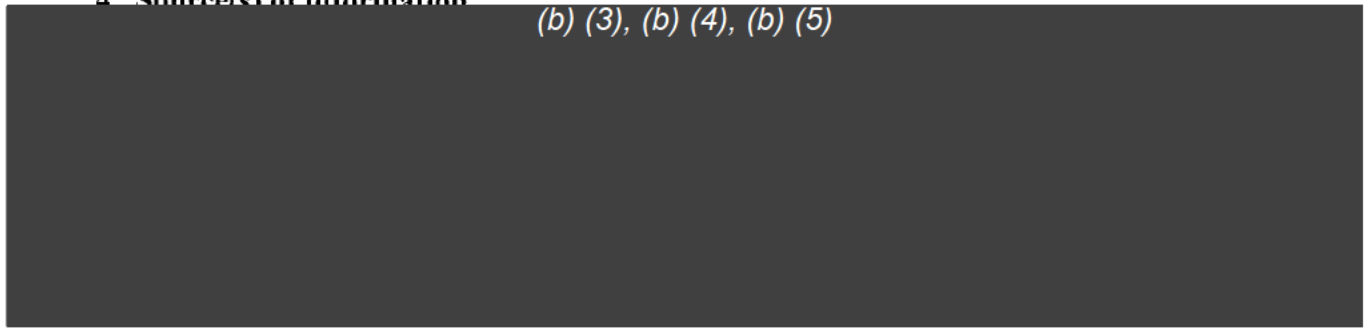
(b) (3), (b) (4)



3. Information estimating tools used. N/A.

4. Source(s) of information

(b) (3), (b) (4), (b) (5)



5. Compare estimates for previous procurements with the prices paid. N/A.

D. Type of Contract.

1. Contract Type. This task order will be FFP price for labor CLINs / SLINs. The task order will also include cost reimbursable line items for other direct costs (ODC), principally Contractor travel.

2. Options. In accordance with FAR 17.207, the use of options was determined to be in the Government's best interest in recognition of the Government's need for continuity of operations and the potential cost of disrupted support if no options are included. CLINs / SLINs are structured for a base year and three one-year options. All known NSC program office support requirements are included in this task order. All support functions in the PWS will be provided throughout the four-year period of performance. The option

Source Selection Information – See FAR 2.101 and FAR 3.104

structure provides MC3 and PdM NSC with flexibility to meet its evolving logistics and program management requirements over the next four years. In accordance with FAR Clause 52.217-9 the Government may extend the term of the task order by written notice to the Contractor within 30 days prior to the completion of the base period, provided the Government provides the Contractor a preliminary notice at least 60 days before the task order expires.

E. Source Selection Planning.

1. Source Selection Team (b) (6) is dual-hatted as source selection authority (SSA) and Contracting Officer for this NSC requirement. The SSEB Chairperson for the NSC requirement is (b) (6). Legal Counsel for the NSC requirement is (b) (6). The Contract Specialist for the NSC requirement is (b) (6). (b) (6) SSEB price evaluators are (b) (6) and (b) (6).

Competition. This competitive acquisition utilized the following source selection process in accordance with DoD Source Selection Procedures dated 09 March 2011. The Source Selection Plan (SSP), (Attachment 1), identified how the Government would determine which offer provided the best overall value to the Government, with price and other factors considered. The evaluation and award criteria in the RFP stated that the Government would perform a best value (trade-off) analysis on the submitted proposals. The Government included three (3) factors for evaluation (in order of importance).

Factors
Volume I
1. Technical Capability
2. Past Performance
Volume II
3. Price

Technical Capability is more important than Past Performance. Past Performance and Price, when combined, are equal to Technical Capability. Price, when compared to all non-price factors is significantly less important.

The Source Selection organization evaluation criteria and basis for award as contained in the solicitation are located in the contract file, Phase III - (A)(2).

2. Construction Contracts – N/A

3. Two-Phase Design-Build Solicitations – N/A

F. Special Provisions.

1. Deviations from FAR, DFARS, NMCARS – N/A

2. Section I Clauses. The below special provisions are in Section I, *Contract Clauses*, of the solicitation.

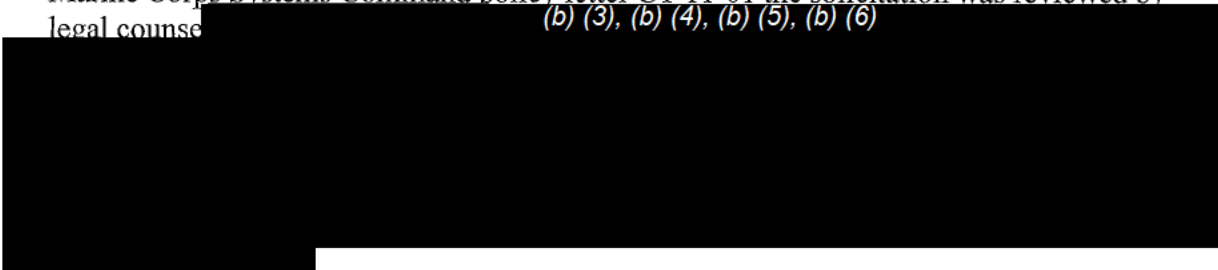
- The provision at DFARS 252.204-7008, *Compliance with Safeguarding Covered Defense Information Controls*, (DEVIATION 2016-O0001) (OCT 2015)
- The clause at DFARS 252.204-7012, *Safeguarding Covered Defense Information and Cyber Incident Reporting*, (DEVIATION 2016-O0001)(OCT 2015)
- The clause at DFARS 252.204-7009 *Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information*, (DEC 2015)
- FAR 52.217-9, *Option to Extend the Term of the Contract*. (MAR 2008)
- FAR 52.217-5 *Evaluation of Options*. (JUL 1990)
- DFARS 252.217-7001, *Surge Option* (AUG 1992)

3. Organizational Conflict of Interest (OCI) Mitigation Plan. (Performance Work Statement (PWS) paragraph 1.10.) If an Offeror contemplates a conflict of interest while performing this effort, its proposal must include an OCI mitigation plan for the Government's consideration during the source selection evaluation. An Offeror's proposed OCI mitigation plan must be determined by the Government to adequately mitigate identified conflict(s) of interest before a task order can be awarded.

4. Limitation of Future Contracting. Paragraph 1.10 of the PWS, *Potential Organizational Conflicts of Interest (OCI)*: The Contracting Officer has determined that this acquisition may give rise to a potential conflict of interest. This task may involve systems engineering and technical direction for the NSC program that will preclude Contractor involvement in future efforts. The PWS elaborates on the potential restrictions upon future contracting facing all prospective Offerors. In its proposal each Offeror must warrant that, to the best of its knowledge and belief, and except as otherwise set forth in the contract, the Contractor does not have any organizational conflict of interest.

5. Contract Security Classification Specification (DDForm 254). This task order contains a DDForm 254. It provides security guidance and establishes Contractor access at the SECRET classification level.

G. Solicitation Review and Compliance. In accordance with NMCARS 5201.602-1 and Marine Corps Systems Command policy letter CT 11-01 the solicitation was reviewed by legal counsel (b) (3), (b) (4), (b) (5), (b) (6)



H. Synopsis. The subject requirement is being competed among several SeaPort MACs and is therefore exempt from the requirement to publish a synopsis pursuant to FAR 5.202(a)(11).

SECTION IV – PRE-SOLICITATION COMPLIANCES

Check if N/A	DOCUMENT/APPROVAL CHECKLIST	Document Number, Approving Official & Date
	Acquisition Strategy (FAR 34.004) or Management Oversight Process for Acquisition of Services (NMCARS 5237.503)	(b) (6) Oct 2015
X	Acquisition Plan (DFARS 207.103)	
X	Waiver of Synopsis (FAR 5.202)	
X	Determinations and Findings (D&F) to exclude a source (FAR 6.202)	
X	Determination and Findings (D&F) for the Public Interest circumstances permitting Other Than Full and Open Competition (FAR 6.302-7)	
X	Justification for Other Than Full and Open Competition (FAR 6.303)	
X	Bundling contract requirements (FAR 7.107(c))	
X	Determination to consolidate contract requirements (DFARS 207.170-3)	
X	Determination of Commercial Item for FAR Part 12 Over \$1M (DFARS 212.102(a)(i))	
X	Determination to Use Commercial T&M or LH contract (FAR 12.207)	
	Source Selection Plan (DFARS 215.303)	(b) (6) Nov 2015
X	Contract type determination (FAR 16.102(d)) (See FAR 16.601(d)(1) for Time & Materials or Labor Hours)	
X	Award Fee Plan (FAR 16.405-2(b), PGI 216.405-2, PGI 216.470)	
X	HCA Determination to Use CPAF (DPAP memo April 24, 2007)	
X	Use of contract terms in excess of five years (FAR 17.204(e))	
X	Use of non-DoD contract vehicle (NMCARS 5217.7802)	
	DD Form 2579 Small Business Coordination Record (DFARS 219.201)	(b) (6) Coord in SeaPort-e and via E-mail to KO 30 Sep 2015

Source Selection Information – See FAR 2.101 and FAR 3.104

Check if N/A	DOCUMENT/APPROVAL CHECKLIST	Document Number, Approving Official & Date
X	Approval for expedited completion date for MILCON (DFARS 236.270)	
X	Authority to Contract out for Personal Services (NMCARS 237.104(b)(i))	
X	Determination of Personal/Non-Personal Services (FAR 37.103)	
X	Non-performance based acquisition (DFARS 237.170-2)	
X	Approval to use warranty (DFARS 246.704)	

SECTION V – SOLICITATION.

A. Pre-bid conferences (FAR 14.207). N/A.

B. How the solicitation was made available. The Request for Proposal (RFP) N00024-15-R-3508 was released via the Navy's SeaPort-e platform on 15 Oct 2015.

C. Questions received and answered. Fifty-four questions regarding the solicitation were received and answered via the SeaPort-e portal.

D. Amendments issued and resultant changes to acquisition planning. Amendment 0001, issued on 05 Nov 2015: extended the proposal due date to 24 Nov 2016; revised Attachment 6, *Pricing Workbook*; modified the PWS, Sections L and M in answer to questions submitted by potential Offerors; and required past performance submittals on subcontractors performing at least 10% of total labor costs. It also provided additional information, "MC3 Portfolio by Life Cycle, Oct 2015." Amendment 0002, issued on 19 Nov 2015, added three cybersecurity clauses to the RFP per recent HQ guidance. The closing day for receipt of proposals remained 24 November 2015.

E. Protests before closing of the solicitation. None.

F. Extent competition solicited and secured. This requirement was competed in SeaPort's Zone 2, the National Capital region in the District of Columbia (DC) Metropolitan/Northern Virginia area. There are 1,900+ SeaPort-e prime Contractors having access to this opportunity and could potentially submit a proposal. The Government received ten proposals.

G. Oral presentations (FAR 15.102). N/A.

H. Summary table of proposals.

The Government received a total of ten (10) proposals in response to the solicitation. Proposals are listed from highest total evaluated price to lowest total evaluated price.

Source Selection Information – See FAR 2.101 and FAR 3.104

Note: The total evaluated price excludes Government-provided Travel/ODC amounts.

Table 1.— Summary table of proposals

Contractor	Total Evaluated Price	Tech Capability	Past Performance
(b) (3), (b) (4), (b) (5)			

SECTION VI – PRE-NEGOTIATION ANALYSIS.

Proposals were received from the following ten (10) companies: (b) (3), (b) (4), (b) (5)

System for Award (SAM) compliance check was completed prior to proposal evaluations for each Offeror (see Phase VIII - Tab B of contract file) and no offeror had a negative entry.

A. Technical Evaluation.

The Source Selection Evaluation Board (SSEB) convened on 07 December 2015.

The SSEB evaluated ten (10) proposals in accordance with the factors and ratings set forth in the solicitation and the source selection plan.

A summary of the initial evaluation of the Offerors is as follows. The detailed technical evaluation can be found in the Technical Evaluation Review Panel (TERP) Report (Attachment 2) and Source Selection Decision Memorandum (SSDM) (Attachment 3). The members of the TET consisted of one chair and four technical evaluators, who also evaluated past performance. Price was evaluated by the Contracts Pricing Team.

Source Selection Information – See FAR 2.101 and FAR 3.104

The TET evaluation of Past Performance produced ratings for Relevancy (for each past performance reference) and Performance Confidence (an overall rating). The details of these ratings and the basis for them are contained in the TERP Report. A summary of the TET's evaluation findings is depicted in Table 2 below.

(b) (3), (b) (4), (b) (5)

Table 2. Summary of Final Technical Ratings

Contractor	Technical Capability Factor	Past Performance Confidence
------------	-----------------------------	-----------------------------

(b) (3), (b) (4), (b) (5)

C. Other Non-Cost Factor Evaluation. N/A.

D. Cost/Price and Profit/Fee Analysis.

1. Price analysis. The Government expected that a determination of fair and reasonable price would be made on the basis of adequate price competition in accordance with FAR 15.404-1. The Government retained the right to use any analytical technique listed in in

Source Selection Information – See FAR 2.101 and FAR 3.104

FAR 15.404-1, either singly or in combination with each other to determine the final price is fair and reasonable.

The pricing evaluation was based on an analysis of cost/price data including numbers of labor hours and fully-burdened labor rates for each labor category/job title proposed. Offerors were not required to submit certified cost or pricing data with its proposal. If, after receipt of the proposals, the Contracting Officer determined adequate price competition did not exist, the Offeror would have been required to provide other than certified cost and pricing data as requested by the Contracting Officer.

The Offerors' price proposals were evaluated independently of one another. The Government calculated a total evaluated price (summation of all SLINs) for each Offeror by (1) multiplying the Offeror's proposed unit price for each sub-line item (SLIN) as listed in the Schedule, Section B, by the maximum quantity for each SLIN and totaling the sums, and (2) adding all of the ODC SLINs. The Pricing evaluation factor was not assigned an adjectival rating.

The Government reviewed offers for balance and reasonableness.

- An offer may be rejected if the prices proposed are materially unbalanced between line items, sub-line items or years; and this lack of balance poses an unacceptable risk to the Government (see FAR 15.404-1, *Proposal Analysis Techniques*). The Government reserved the right to request cost and pricing data is necessary for analysis when unbalanced pricing is suspected.
- Using one or more of the methods cited in FAR 15.404-1(b)(2), *Price analysis for commercial and non-commercial items*. A comparison of proposed prices received, research results of General Services Administration's (GSA) Schedule prices, and the Independent Government Estimate (IGE) was the method used to conduct the analysis. [The IGE was developed using GSA's comparable labor categories and labor rates from GSA's Contract Awarded Labor Category (CALC) web tool. Additional details are in the IGE.]

The Government evaluated the Offerors' proposals by adding the option periods and surge amounts to the total proposed price for the overall contract price. The ODC contract line items are cost reimbursable, not-to-exceed amounts and were not evaluated.

(b) (3), (b) (4), (b) (5) total labor dollars for each performance period as the not-to-exceed price for each surge CLIN provided by Offerors and entered in Section B of their proposal.)

Comparison of Proposed Prices (FAR 15.404-1(b)(2)(ii))

The average Government evaluated price of all Offerors was (b) (3), (b) (4), (b) (5) the highest Government evaluated price was from (b) (3), (b) (4), (b) (5) The lowest Government evaluated price was from (b) (3), (b) (4), (b) (5)

Comparative Prices. All Offerors proposed FTEs, labor hours and labor dollars for the base year and three Option years. The rank order of Offerors from lowest to highest total contract price is shown in Table 3 below. (Total Contract Price includes fully-burdened

labor costs, surge amounts and Travel/ODC.) Further details are contained in the Price Evaluation Report (Attachment 3).

Table 3.— Total Contract Price- Total Price, FTEs and Labor Hours

Total Contract Price (Lowest to Highest)			
Company	Total Price	FTEs	Total Labor Hours
(b) (3), (b) (4), (b) (5)			

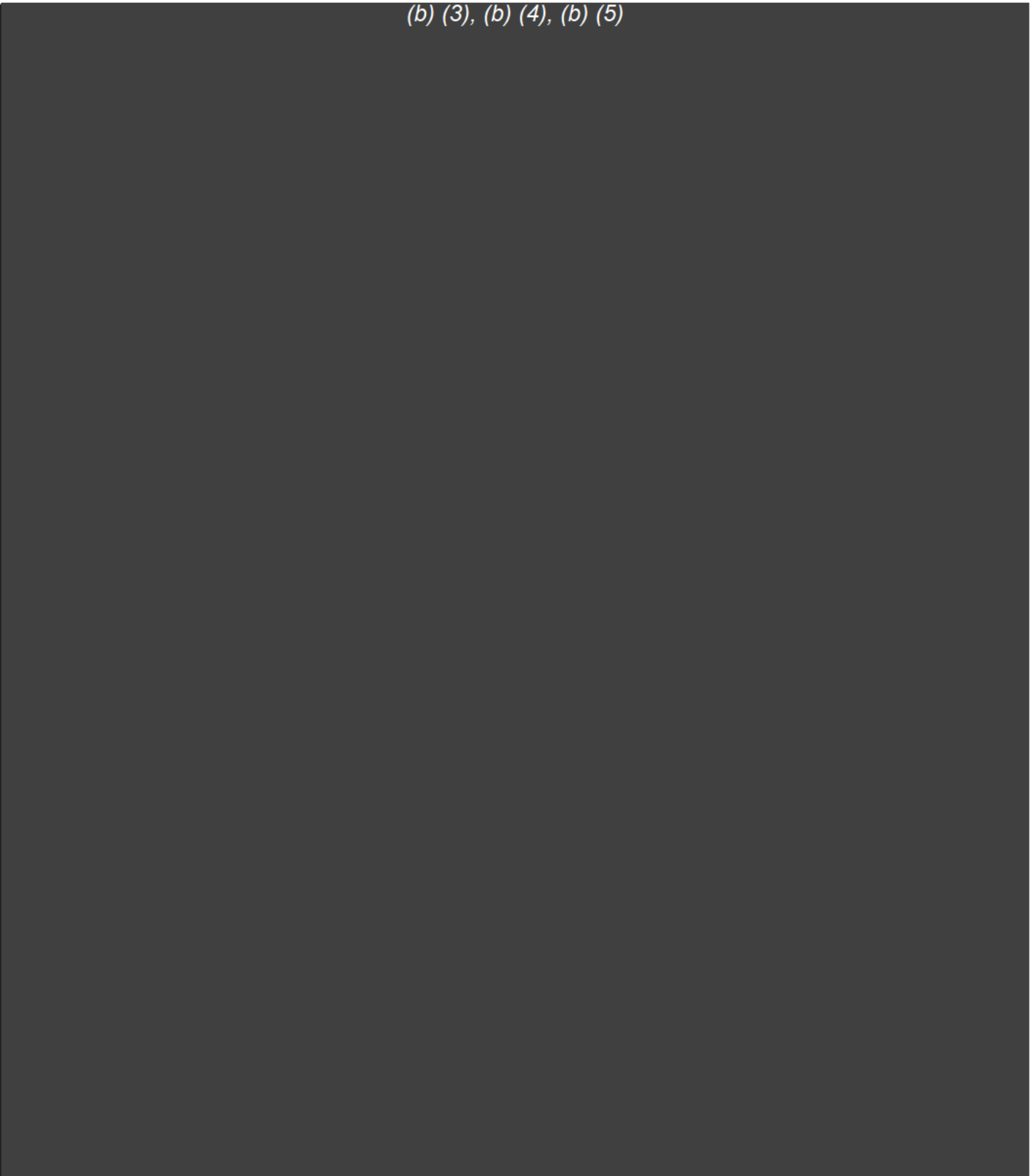
(b) (3), (b) (4), (b) (5)

The chart below displays Offerors by the average price per labor hour, lowest rate to highest rate.

Table 4 - Average Price per Labor Hour

PdM NSC Prgm Ofc Spt Svcs (Avg Price/Hr; Lowest to Highest)				
Rank	Company	Total Labor Cost (Without Surge)	Total Labor Hours	Avg Price Per Labor Hour
(b) (3), (b) (4), (b) (5)				

(b) (3), (b) (4), (b) (5)



(b) (3), (b) (4), (b) (5)

2. **Cost evaluation.** N/A.

3. **Pre-Negotiation Profit/Fee Analysis.** N/A.

4. **Price Analysis Summary.** (b) (4) competing independently, submitted price Offers that satisfy the Marine Corps requirement. In accordance with FAR 15.404-1, adequate competition established fair and reasonable prices. As adequate competition was established based upon competition, the price evaluation team did not apply any other analytical techniques to determine price reasonableness. Further detail can be found in the Price Report (Attachment 3).

SECTION VII – OTHER PRE-NEGOTIATION INFORMATION. N/A.

SECTION VIII – DECISION TO PROCEED.

Of the (b) (4) proposed on this effort (b) (4) proposals demonstrated that they do not have a clear and concise understanding of the Government's requirements and received a rating of "Unacceptable" for Factor 1 - Technical Capability. The remaining

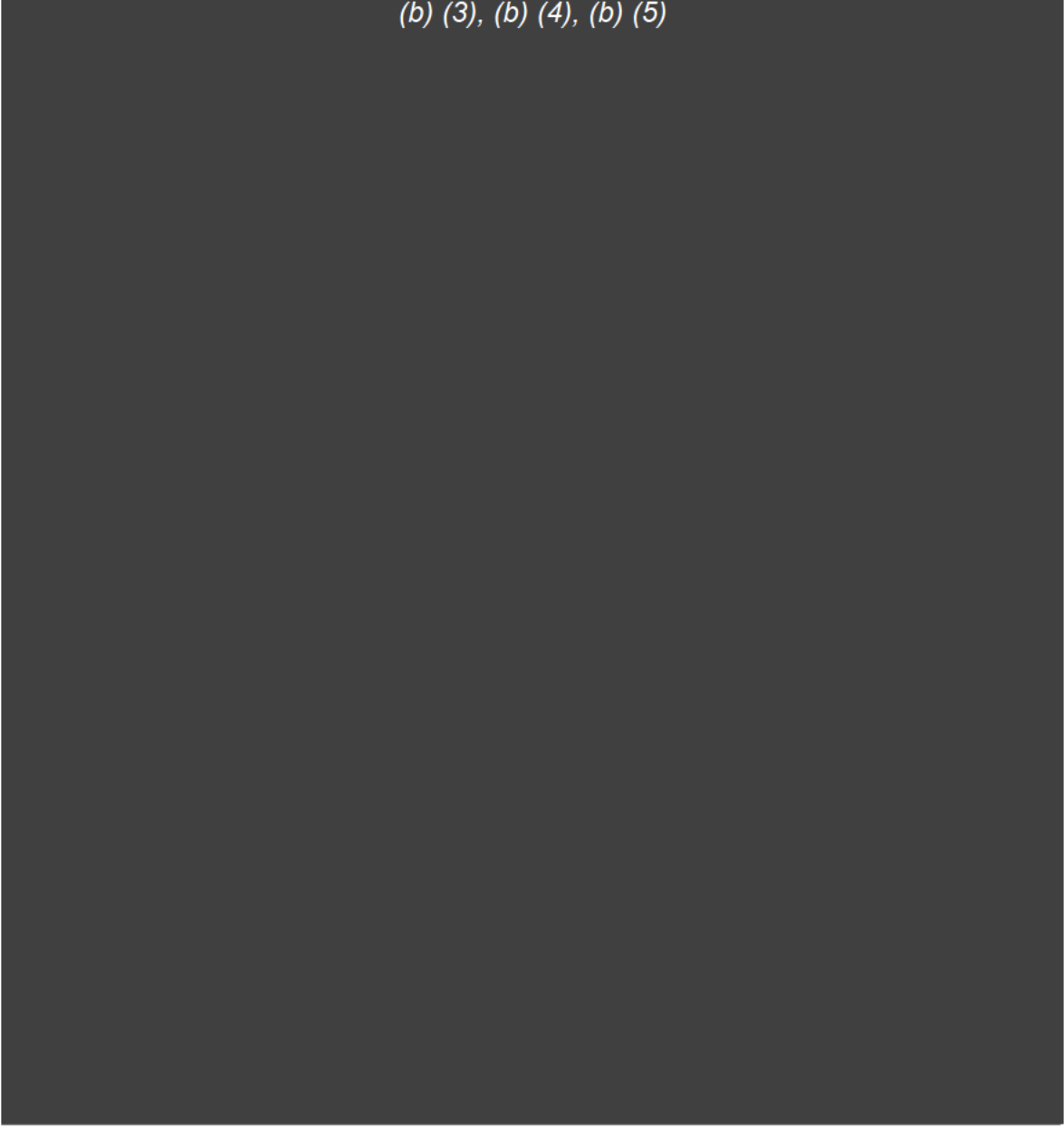
(b) (4) Offeror's received the following ratings (b) (4)

(b) (4)

After reviewing the ratings and reports for this acquisition, the Contracting Officer determined that use of discussions would neither have a significant impact on revised proposals nor be in the best interest of the Government. The Contracting Officer carefully deliberated the value of utilizing discussions or not utilizing them. Additionally, the RFP included FAR 52.215-1 which states, "The Government intends to evaluate proposals and award a contract without discussions with Offerors (except clarifications as described in FAR 15.306(a)). Therefore, the Offeror's initial proposal should contain the Offeror's best terms from a cost or price and technical standpoint and discussions should not be used solely to lower the Offeror's pricing." The decision not to enter discussions was made by the Contracting Officer (dual hatted as the SSA) based upon the information below and the consensus of Legal review supporting that a contract award could be made based upon initial proposals.

(b) (3), (b) (4), (b) (5)

(b) (3), (b) (4), (b) (5)



It is requested this document be considered a Pre/Post-Business Clearance Memorandum. The awardee's initial proposal is awardable as submitted. Neither discussions nor negotiations are necessary. The awardee was selected as the Government's best value based upon the analyses contained in this BCM and summarized in the Source Selection Decision Memorandum. Ten proposals were received. The awardee's price is fair and reasonable based upon adequate price competition.

SECTION IX – PRE-AWARD COMPLIANCES

Check if N/A	DOCUMENT/APPROVAL CHECKLIST	DATE
	Review of Online Representations & Certifications Application (FAR 4.1201(c))	23 February 2016

Source Selection Information – See FAR 2.101 and FAR 3.104

Check if N/A	DOCUMENT/APPROVAL CHECKLIST	DATE
	Determination of Responsibility (FAR 9.103) and financial stability (FAR 9.104-1(a)).	23 February 2016
X	HCA Waiver of Cost or Pricing Data (FAR 15.403-1)	
X	Certificate of Current Cost or Pricing Data (FAR 15.406-2)	
X	Approved Make or Buy Plan (FAR 15.407-2)	
X	Contractor's Estimating System determined acceptable by ACO (DFARS 215.407-5)	
X	Pre-Award Disclosure Statement - Cost Accounting Practices and Certification (FAR 15.408)	
X	Contractor's Accounting System determined adequate by CAO/DCAA (FAR 16.301-3)	
X	Determination to make single award for IDIQ Advisory and Assistance Services over 3 years and \$11.5M (FAR 16.504(c)(2)(A) or (B))	
X	Subcontracting Plan determined adequate (FAR 19.705-4)	
X	Approval of SDB subcontracting goal less than 5% (DFARS 219.705-4)	
	EEO compliance requested/obtained (FAR 22.805).	23 February 2016
X	Disclosure Statement determined current, accurate and complete by ACO (FAR 42.302(a)(11)).	
X	Contractor EVMS verified compliant with DoD criteria by DCMA (DFARS 242.301(S-71)).	
X	Contractor Purchasing System determined to be approved by the ACO (FAR 44.304)	
X	Property System reviewed for acceptability by ACO (FAR 45.105).	
X	Facilities determination and findings (DFARS 245.302-1).	
X	Compliance with DoD Instruction 7640.2 as supplemented by SECNAV Instruction 4330.16.	

SECTION X – POST-NEGOTIATION.

Based on the comparative assessment of proposals against all source selection criteria and in accordance with the stated evaluation factors and their relative importance, it is the independent judgment of the Source Selection Authority that the Kingfisher Systems, Inc. proposal provides the best overall value to the Government, and that Kingfisher Systems, Inc. be awarded task order number MU62 to contract N00178-10-D-6133 resulting from solicitation N00024-15-R-3508 for a total contract price of \$17,057,761.00. The SSA's rationale can be found in the Source Selection Decision Memorandum (SSDM) dated 23 February 2016 (Attachment 4).